

**MINUTES OF
BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA
EMERGENCY MEETING AND FY 16-17 BUDGET WORKSHOP
6:30 P.M.
THURSDAY, MARCH 31, 2016**

The Bradford County Board of County Commissioners convened in an Emergency Meeting and FY 2016-2017 Budget Workshop on Thursday, March 31, 2016, at 6:30 p.m., in the County Commission Chambers at 945 North Temple Avenue, Starke, Florida.

PRESENT: Chairman Lewis, Commissioner Thompson, Commissioner Riddick, Commissioner Sellars and Commissioner Chandler.

ALSO PRESENT: Brad Carter, County Manager; Rachel Rhoden, Deputy County Manager, Will Sexton, County Attorney; Ray Norman, Clerk of Courts, Jim Farrell, Finance Director; Marlene Stafford, Deputy Clerk; Lisa Hall, Finance Office; Sheriff Smith; Kelly Canady, Community Development Director; Paul Funderburk, Road Superintendent; Sgt. Ray Shuford; Allen Parrish, Emergency Medical Services Director; Robert Taylor, County Architect; Terry Kite, County Auditor; and Mark Crawford, Press.

EMERGENCY MEETING

CALL TO ORDER: Chairman Lewis called the meeting to order at 6:33 p.m.

PUBLIC COMMENTS:

Mark Williams, Contractor: 9056 NW 212th Street, Starke—Stella's Place

Mr. Williams expressed his displeasure with the manner in which the bidding process for the Stella's Place project has been handled; ending with what he believes is a misconception of F.S. 255.0991 and an improper bid protest. In making a decision as to the disposition of bids for Stella's Place, which is before the Commission this evening, Mr. Williams implored the Commission to do the right thing and stand up for local contractors, who use local vendors and local suppliers.

Len Eaves, 15345 NW 194th Street, Lake Butler (Bradford County)—Stella's Place:

Mr. Eaves echoed the sentiments of Mr. Williams regarding the bidding process for Stella's Place. He expressed contention with regard to this project being re-bid prior to the Emergency Meeting. Mr. Eaves also asked who recommended SimplexGrinnell for the fire alarm system for Stella's Place.

At the request of Chairman Lewis, Mr. Ware (County Fire Marshal) addressed the question. He briefly reviewed the Life-Safety Code requirements for Stella's Place. One of the alternatives in the Life-Safety Code is installing a domestic sprinkler system, in this case a 13D system. SimplexGrinnell, along with

other vendors that were provided to Mr. Taylor that have done business in Bradford County came to inspect the building. SimplexGrinnell brought equipment with them to test the water supply, which is absolutely the most important item on a sprinkler system. Abnormalities with the water supply were discovered and later verified by the city. As Fire Marshal, his concern would be to have a sprinkler system installed in this building and not have enough water to make it work. It had nothing to do with the fire alarm system, but had everything to do with the sprinkler system. Another concern was the cost control to the general contractor. If the contractor subs the work out and it does not work or there is a cost overrun, this affects the ability to complete the scope of work for this project.

Mr. Eaves stated that the County should take care of its own and that local contractors should be used, whenever possible.

CONSIDER DISPOSITION OF BIDS ACCEPTED FOR THE STELLA'S PLACE GROUP HOME SHIP PROJECT--WILL SEXTON, County Attorney:

Mr. Sexton presented three (3) options available to the Commission:

1. Award the bid to M&R Construction based upon the local preference ordinance. However, this would not be his recommendation as it is his opinion it would be a violation of section 255.0991 F.S.
2. Award the bid to Florida Homes, who was the low bidder. However, this would not be his recommendation, as the bid advertisement published by Bradford County indicated that the local preference ordinance would be utilized. So, when contractors were deciding whether or not to submit a bid, they understood that Bradford County would be utilizing the local preference.
3. The Commission reject all bids and re-bid, which is his recommendation. This option keeps the Commission in compliance with Florida law and is a matter of fairness to all possible bidders. It allows the County to move forward, re-bid the project with everyone understanding that they have an opportunity to bid and that no local preference would be offered.
(A fourth option was cited below.)*

Mr. Sexton responded to an inquiry of Commissioner Riddick regarding liability by awarding the bid to M&R Construction under local preference. Mr. Sexton advised that his interpretation of F.S. 255.0991 is that Bradford County is forbidden to award this bid to M&R Construction. The County could be sued by other contractors or the state, and the state could withhold future SHIP funds from the County. The Board can award the bid to M&R Construction, but would do so knowing that the County Attorney has stated that it would be a violation of state law.

Discussion ensued.

Mr. Sexton advised that realizing the time sensitivity of this project (must be complete prior to the end of June) and in an effort to move it forward as quickly as possible, the project has been re-advertised.

Chairman Lewis recognized Mr. Mark Williams who stated his disagreement with the interpretation of F.S. 255.0991. Chapter 255 of the Florida Statutes is located in Title XVIII, which is: "Public Property and Publically Owned Buildings". This statute should not apply to Stella's Place as it is a privately-owned building. He is pursuing an interpretation of the statute from legislators and the Attorney General. If the opinion comes back and it agrees with his interpretation, he will protest the bid.

Mr. Sexton reiterated his earlier recommendation to reject all bids and re-bid the project, which is the safest and fairest of the three options for everyone involved.

Commissioner Sellars explained the steps she has taken trying to get clarification of the statute. According to the State (Florida Housing), it does not matter if the project involves a publically owned building or not: "The funds are state funds. Who they are awarded to does not change that." Even though no one has been able to provide a clear cut answer to the legislative intent of this statute, she does not want to jeopardize any future state appropriated funding for SHIP housing projects. She does sympathize with Mr. Williams because the statute is up to individual interpretation regarding the issue of publically owned versus privately owned.

Commissioner Thompson concurred with Commissioner Sellars.

Commissioner Chandler advised that although he agrees with the provision of awarding local preference, as long as it is legal, there have been issues with some local contractors not providing quality work. This is why he pushed for the standard to be raised. The Board needs to be careful not to jeopardize future funding.

Mr. Sexton advised that there is a *fourth option that he neglected to mention. The Board could continue to put the issue off until such time as Mr. Williams' questions can be answered. However, the County is severely limited in the amount of time to complete the project. If this project is not complete by the end of this States' fiscal year, the County will not have spent the funds required and will not receive SHIP funding next year. Delaying this project any longer would almost certainly mean that the deadline would not be reached and the County would be subject to the loss of funding.

Discussion ensued.

For clarification purposes, Mr. Sexton advised that there has never been a bid protest on this matter. The Board has not awarded the bid and no one ever protested this bid, and no Bradford County staff member has ever perceived that anyone protested this bid.

At the request of Chairman Lewis, Mr. Sexton refreshed the Commission on the four (4) options stated above.

Commissioner Riddick moved, seconded by Commissioner Chandler, and carried 4-1 (Commissioner Sellars dissenting), to go with Option #3 to reject all bids and re-bid the project.

CONSIDER RECOMMENDATION OF NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL TO UNDERTAKE THE PROCESS OF IMPLEMENTING A 12-MONTH MORATORIUM ON THE ACCEPTANCE OF NEW MINING APPLICATIONS:

Mr. Sexton referenced [an email](#) received from Scott Koons, Executive Director of the North Central Florida Regional Planning Council, summarizing the Planning Councils' recommendation. As directed by the Board, staff met with the Planning Council to discuss the County's Land Development Regulations and how those regulations may be impacted by an application received for mining. At that meeting, it was clear that the Planning Councils' recommendation was to proceed (as soon as possible) with implementing a 12-month moratorium for the reasons expressed in the email, and summarized as follows: The County's Land Development Regulations are grossly inadequate with respect to the process that Bradford County would need to implement or undertake to analyze a mining application. Based on those recommendations, the Chairman asked staff to add this item to this Emergency Meeting agenda.

Chairman Lewis called for public comments.

Eddie Douglas 8202 SW CR18, Hampton

Mr. Douglas spoke in opposition to the proposed 12-month moratorium on the acceptance of new mining applications and questioned the emergent nature for consideration of the moratorium.

He then spoke in favor of a proposed phosphate mine citing the following:

- It will be a green mine. There will not be soil, water or air contamination in the mine. There will be no gypsum stacks, there will be no acid processing, there will be no clay settling areas. There will be a process developed to allow reclamation of the land within 90-270 days from the ore is mined.

There was some discussion.

Connie Henderson, with the Chemours Co., CR230, formally DuPont: Ms. Henderson spoke in opposition to the proposed moratorium.

Discussion ensued which was not limited to but included:

- Reducing the proposed 12-month moratorium to a lesser period of time.
- Mining provisions in the County's current Land Development Regulations.

Jack Hazen:

Mr. Hazen spoke in favor of the proposed phosphate mine citing the following:

- Reminded everyone that the proposed mine will have to comply with the Department of Environmental Protection and the Army Corps of Engineers, who have stringent regulations.
- Expressed his opposition to involving an outside entity such as the North Central Florida Regional Planning Council.
- The benefits of a phosphate mine to the community.
- Cautioned the Board about changing the rules in the middle of the game, which may end up being costly to the County.
- Their willingness to work with the County through the process.

Discussion resumed which was not limited to but included:

- Pilot program in South Florida.
- Meeting with the Planning Council to analyze the LDR in lieu of implementing a moratorium.
- The status of the ensuing application for a phosphate mine permit.
- The reclamation process and clay settling ponds.
- Conducting workshops for further discussion and clarification.
- The amount of time it takes to analyze, prepare, advertise and adopt an ordinance to implement a moratorium and to make changes to the LDR.

*Commissioner Sellars moved **NOT to establish a moratorium on the acceptance of new mining applications.** Commissioner Thompson seconded the motion.*

Following additional discussion, *the **MOTION CARRIED 3-2, with Commissioner Riddick and Commissioner Lewis dissenting.***

COMMISSIONERS' COMMENTS: None.

CHAIRMAN COMMENTS--EDDIE J. LEWIS: None.

ADJOURN: There being no further business, the Emergency Meeting adjourned at 8:07 p.m.

2016-2017 BUDGET WORKSHOP

CALL TO ORDER: Chairman Lewis called the workshop to order at 8:11 p.m.

PRESENTATION BY COUNTY AUDITOR--TERRY KITE:

Chairman Lewis recognized Mr. Kite, who addressed the Commission with some preliminary information regarding the FY2015-2016 Audit.

Referencing two spreadsheets, Mr. Kite reported that for two years in a row (fiscal years 2014 and 2015), the County's fund balance has decreased by a total of approximately \$2.4 million, which raises some concern. Although there is still a significant fund balance, this appears to be a trend in the wrong direction. This is something the County needs to monitor and be aware of moving forward into the new budget year.

This incited some discussion regarding EMS billing. Clerk Norman advised that Alachua County Billing Services has not produced what was promised and anticipated. There has been no improvement in revenues, they have actually gotten worse, and steps need to be taken to correct it.

Chairman Lewis asked Emergency Medical Services Director, Allen Parrish to address the issue.

Mr. Parrish advised that there is a potential to improve the revenue stream from EMS billing. He gave a brief history of how the contract with Alachua County came to fruition. Alachua County is not working private pay; they are not working follow-up calls. It is impossible to have successful medical billing without hard work. Bradford County EMS billing is capable of generating between \$1.75 and \$1.78 million in revenue annually. The last two to three years, the revenues have been between \$1.5 and \$1.6 million. No one has a vested interest in working EMS billing to its fullest potential other than Bradford County. This means creating a new department, adding FTE's salaries and benefits.

Mr. Parrish cited a couple of reasons that collection efforts are so difficult.

- The Affordable Health Care Act increasing the number of private pay clients.
- Medicaid/Medicare and insurance requirements, forcing write-offs.

Mr. Carter suggested meeting with Alachua County one more time to let them know that the County is unsatisfied with collections and give them a short-time frame to improve. If services do not improve, then staff can meet to study the option of in-house billing.

Mr. Parrish expounded on collection rate percentages. When you hear that other agencies have collection rates of 63%, 64%, 50% and 70%, those percentages include contractual write-offs, Medicare write-offs and other items that are falsehoods. When the books are balanced at the end of the day, with what was billed versus what was put in the bank; that is a true "collection rate".

Chairman Lewis mentioned an in-housing billing option that he and Mr. Parrish have previously discussed. Chairman Lewis asked Mr. Parrish to include that option in the study and presentation to the Commission.

**DISCUSS OPTIONS FOR THE 2012 BADGER TM470 BOOM EXCAVATOR (SN: 4701204),
PURCHASED FOR \$253,011.00:**

- A. BUY-OUT OPTION: Midway Auction will purchase for \$65,000.00**
- B. TRADE-IN OPTION: Great Southern Construction will offer a trade for a new 2016 Gradall XL3100V Hydraulic Excavator:**

2016 Gradall XL3100V Hydraulic Excavator	\$327,527.06 - Sales Price
2012 Badger TM470 Boom Excavator	<u>- 100,000.00</u> - Trade Allowance
	\$256,327.06 - Balance Owed

Chairman Lewis stated that \$550,000.00 was budgeted this year for millings and there has been discussion regarding the possibility of purchasing equipment out of that \$550,000.00. Although he understands the need for the equipment, until the budget can get back on the right track, in his opinion the \$550,000.00 should remain unspent, to help reduce the expenditure of the County's fund balance. Also, steps need to be taken to resolve the EMS billing concerns.

Clerk Norman advised that in setting the current budget, the Board voted that no new equipment would be purchased unless it was an emergency and Board approved. He recommended the Board take the same measures for the FY2016-2017 budget. Doing this two years in a row will help the situation.

Mr. Kite advised that if there are funds budgeted this year that are not spent, that will definitely help at the end of the year, as far as the fund balance is concerned.

Incited by inquiry of Commissioner Thompson, Chairman Lewis made the following recommendation regarding the disposal of the Badger excavator:

- Sell the Badger Excavator to Midway Auction for \$65,000. If the Road Department needs an excavator, try to find a good used one or seek a lease/purchase.

Discussion ensued regarding the most favorable way to dispose of the Badger excavator, and purchasing a used excavator versus a new excavator.

Clerk Norman stated that the County is not broke. However, if the trend keeps going in the current direction, it will be within 3 to 3.5 years. If the Road Department's Gradall is in bad shape, it appears that the best deal would be to trade the Badger in for a new Gradall; you are getting rid of a problem and getting a new piece of equipment with a warranty. Although this would not clear the deficit, it could be done, as long as there is no increase to the FY16-17 budget, except for items you have no control over such as health insurance increases.

There was some discussion regarding a cash purchase of a new excavator versus making installments over a period of years and the affects to the fund balance.

The Commission revisited the subject of a used excavator versus a new one.

DIRECTIVE:

There was a general consensus to:

- Trade in the Badger excavator toward the purchase of a new Gradall.
- Leave the remaining balance (after purchase of a new Gradall) of the \$550,000.00 of un-used milling funding in the budget.
- Clerk Norman to explore the options (purchase, leasing or financing with a local bank) and make a recommendation to the Board.
- Agenda for the next meeting for an official vote.

Commissioner Chandler reiterated the need for additional revenue sources. The County cannot continue to provide the current level of services without more revenue.

PUBLIC COMMENTS: None.

DISCUSSION CONCERNING ZIPPER AZ600 EQUIPMENT (\$147,740.00):

(Based on the discussion above, this item was not addressed.)

DISCUSS VOLVO G930B MOTOR GRADER (SN: 575142) LEASE/PURCHASE OPTIONS:

DISCUSS VOLVO G930B MOTOR GRADER WITH MID-MOUNT SCARIFIER (SN: 575139) LEASE/PURCHASE OPTIONS:

Clerk Norman informed the Commission that the leases for the two (2) Volvo Motor Graders are getting ready to expire. Mr. Funderburk is checking to see if the current leases can be continued.

Mr. Funderburk advised that he hopes to have an answer by next week. Extending the lease may require the purchase of an extended warranty.

Ms. Rhoden advised that staff will bring a recommendation to the Board at the April 21 meeting, once Mr. Funderburk receives an answer.

Mr. Funderburk reported that the Road Department is spending about \$2,500.00 a month (\$30,000.00 annually) for cold patch to patch potholes in millings.

DISCUSS MILLINGS: (Based on earlier discussion above, this item was not addressed.)

COMMUNICATIONS PRESENTATION--SHERIFF SMITH:

Sheriff Smith distributed [a letter](#) referenced "Critical Radio Communications-State of Emergency".

Sheriff Smith reported on the emergent need to improve radio communications and presented a proposal to meet the need. He recommended joining the state-wide system known as SLERS, a system designed for public safety that would include the Sheriff's Office, the Volunteer Fire Department and Emergency Medical Services Department. The County would purchase the equipment and pay an annual service fee. He reviewed [the quotes](#) to purchase the equipment. Funding is available in Jail Set-Aside funds.

(03-31-16 Emergency Meeting and FY16-17 Budget Workshop)

Chairman Lewis asked if there was enough jail set-aside money in the Sheriff's budget to purchase the equipment. Clerk Norman indicated in the positive and stated that it is a recurring revenue source.

Mr. Carter announced that consideration of this request is on the April 4 agenda.

Sheriff Smith added that it will take 90 to 120 days before the equipment is delivered, once it is ordered. There will be added expenses of set up fees and installation. Mr. Johns and Mr. Parrish have also applied for grants, which if approved would be a savings. All they need is a work order to get the process started. He is also working on getting the Starke Fire Department, City of Starke Police Department and Lawtey Police Department on board as well.

DIRECTION ON PREPARATION OF FY2016-2017 BUDGET--JIM FARRELL, Finance Director:

- **Discretionary Budget Expenditures--Remain the same, increase or decrease?**
- **Suggested Revenue Streams**

At Mr. Farrell's request, the Board confirmed the following in preparation of the FY2016-2017 budget:

- The FY16-17 expenditures to remain at the FY15-16, level with no increases.
- There will be no "new equipment" included in any budget request.
- Any new equipment considered to be purchased will have to be approved by the Commission and will be paid for out of Fiscally Constrained monies.
- No new revenue sources considered at this time.

ADJOURN: There being no further business, the budget workshop adjourned at 9:15 p.m.

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA**

EDDIE J. LEWIS, CHAIRMAN

ATTEST: _____
RAY NORMAN, CLERK TO THE BOARD

Minutes prepared by Marlene Stafford, Deputy Clerk

Minutes approved by BOCC at the Regular Scheduled Meeting of _____